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United States General Accounting Office

Briefing Report to the Chairman, Subcommittee on Public Lands, Committee on Interior and Insular Affairs, House of Representatives

November 1986

PERSONNEL PRACTICES

Legality of Political Appointments at the Bureau of Land Management

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Washington, D.C. 20548

General Government Division

B-223458

November 24, 1986

The Honorable John F. Seiberling
Chairman, Subcommittee on Public Lands
Committee on Interior and Insular Affairs
House of Representatives

Dear Mr. Chairman:

In a letter of May 30, 1986, you asked that we assist the Subcommittee in its evaluation of the implementation and effectiveness of the Federal Land Policy and Management Act (FLPMA) of 1976. In discussions on this request with representatives of your office, they asked that we examine the legality of political appointments at the Interior Department's Bureau of Land Management with particular emphasis on specific provisions of FLPMA, obtain information on the number of such appointments in recent years, and develop background information on the current political appointees.

The Bureau is headed by a Director, who is appointed by the President and confirmed by the Senate. As of September 30, 1986, other top management at the Bureau consisted of 23 members of the Senior Executive Service (SES). Four of the SES members had noncareer, or political, appointments; the other 19 had career appointments. The essential differences between the two types of appointments are that noncareer appointments are made noncompetitively and the noncareer appointees' executive qualifications do not have to be approved by the Office of Personnel Management (OPM). In addition, the Bureau had 10 other political appointees in Schedule C positions at grades GM-15 and below. Schedule C positions are excepted from the competitive civil service because of their confidential or policy-determining nature.

Although political appointments at the Bureau have increased substantially since 1981, your representatives were particularly concerned about the reorganization of the Bureau's headquarters office in March 1986. In that reorganization, 11 SES positions (including the second in command), 2 of which were noncareer, were decreased to

5 with 3 of the 5 being noncareer appointments. In a related move, three staff offices were consolidated into one and another SES noncareer position was established in this unit. These appointments were made although FLPMA provided that all Bureau employees, except the Director, "shall be appointed by the Secretary subject to the provisions of title V governing appointments in the competitive service."

OBJECTIVES, SCOPE, AND METHODOLOGY

In examining the legality of the political appointments, we reviewed FLPMA and the requirements of the Civil Service Reform Act of 1978 regarding positions in the Senior Executive Service and discussed the requirements with appropriate Interior and OPM officials. We also obtained from the Bureau information on the number of employees and political appointees over the past 11 years and reviewed the official personnel folders of all political appointees employed as of September 30, 1986. Determining the qualifications of the political appointees was not an objective of our review.

Our audit work, which took place from June 1986 through September 1986, was done in accordance with generally accepted government auditing standards.

CONCLUSION

Because of certain provisions of the Civil Service Reform Act, we concluded that the Bureau's political SES appointments were not improper from a legal standpoint. The Reform Act allows each agency to determine which of its Senior Executive Service positions shall be designated "career reserve" and which shall be designated "general." Career reserve positions must be filled by career appointees, but general positions may be filled by career, noncareer, limited emergency, or limited term appointees. About half of all positions in the Senior Executive Service have been designated as "general" positions. The act's only limitation on political appointments to general positions is that the number of political appointees cannot exceed 10 percent of all Senior Executive Service positions governmentwide or 25 percent in any one agency. The limitation of 25 percent has not been exceeded by the Bureau nor at the departmental level.

The Reform Act and implementing OPM regulations require heads of agencies to designate as an SES career reserved position each position (except in the Executive Office of the President) that

1) was included under the Executive Schedule[1] prior to the formation of the SES or whose rate of basic pay is determined by reference to the Executive Schedule,

2) is required by law to be in the competitive service, and

3) entails direct responsibility to the public for the management or operation of particular government programs or functions.

The positions of Associate Director, Deputy Director, and Assistant Director were not under the Executive Schedule, nor were their rates of pay determined by reference to it. Thus, the Secretary of the Interior was not precluded from designating the positions in question as "general" positions in the Senior Executive Service or filling them with political appointees. The initial political SES appointments at the Bureau were made in 1981.

With regard to the political appointments below the SES level, the Secretary of the Interior has discretionary authority under title V of the U.S. Code, subject to the approval of OPM, to establish Schedule C positions. These positions, which are policy-determining or involve a close and confidential working relationship with the head of an agency or other key appointed officials, are excepted from the competitive service. The Secretary of the Interior, therefore, was within his authority in making the Schedule C appointments. All Schedule C positions at the Bureau were approved by OPM.

Year-by-year summaries of Bureau employment levels and political appointments since 1976 are included as appendix I.

Appendixes II and III contain information on the job descriptions and backgrounds of the 14 political appointees employed at the Bureau on September 30, 1986. Appendix II covers the 4 SES noncareer appointees, and appendix III covers the 10 Schedule C appointees.

We obtained official oral comments on this report from Bureau of Land Management officials who stated that the report was accurate as written.

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[1]The Executive Schedule consists of five pay levels and includes the top positions in Government--Cabinet heads, Administrators or Directors of agencies or bureaus, etc.

As arranged with your office, unless you publicly announce the contents of this document earlier, we plan no further distribution until 30 days from the date of this report. At that time we will send it to interested parties and make copies available to others upon request. If you have questions, please contact me at 275-6204.

Sincerely yours,

for Robert E. Hilton

Rosslyn S. Kleeman
Senior Associate Director

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BLM EMPLOYMENT SUMMARY (1976-1986)[a]

	Field Employment	Headquarters Employment	Career SES	Noncareer SES	Schedule C
1986 (as of 9/30/86)	7,998	442	19	4	10
1985	8,345	459	22	3	6
1984	8,520	501	25	3	7
1983	8,472	503	23	3	4
1982	7,987	458	20	2	3
1981	8,468	532	17	2	2
1980	8,172	560	19	0	1
1979	7,955	489	15	0	1
1978	6,985	472	13[b]	0	1
1977	6,309	432	13[b]	0	0
1976	5,599	418	13[b]	0	0

[a]Totals as of the end of each calendar year.
[b]Positions in grades GS-16 and GS-17 before the formation of the Senior Executive Service.

SES NONCAREER APPOINTEES IN BLM
SEPTEMBER 30, 1986

(1) Deputy Director, ES-04[1]

The incumbent Deputy Director was appointed effective April 13, 1986.

According to the position description, the Deputy Director shares responsibility for and participates in both a coordinating and directing capacity in all technical and administrative functions and in management of all activities of the Bureau. The position description further states that these responsibilities require competency in the fields of administration and management in addition to a broad knowledge of public land and natural resource management.

From November 1982 until he came to the Bureau under a temporary appointment in March 1986 as a GM-15[2] Special Assistant to the Director, the appointee was self-employed as president of a printing company, president of a hotel firm, vice-president of an investment firm, partner in a firm that owned apartment complexes, and general manager of a convention center. From August 1981 until November 1982, he was vice-president of an organization that sold airplane parts.

He was Lieutenant Governor of Illinois from January 1977 until August 1981 and was Sheriff of St. Clair County, Illinois, from 1970 until 1977.

The appointee has a Bachelor of Science degree in Pharmacy.

(2) Assistant to the Director and Director, Office of External Affairs, ES-01

The incumbent was appointed Assistant to the Director and Director, Office of External Affairs, effective April 13, 1986. This position was established as a part of the Bureau's reorganization.

According to the position description, the position involves two functions. As Assistant to the Director, the incumbent is to perform work of a confidential policy nature requiring leadership,

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[1]ES means Senior Executive Service Schedule which consists of six pay levels--ES-01 through ES-06.

[2]GM is a pay system designator used to indicate that a position is covered by provisions of the merit pay system.

judgment, and initiative to understand and analyze the problems in the broad and critical field of public land development and management. As Director, Office of External Affairs, the incumbent is responsible for directing the divisions of Public Affairs, Congressional Affairs, and Legislation and Regulatory Management.

From August 1984 until her appointment to the above position, she was the Public Affairs Officer (Schedule C, GM-15) for the Bureau of Land Management and was responsible for directing the planning and operation of public information and media contact programs of the Bureau. From March 1983 until August 1984, the appointee was a Schedule C GS-14 Assistant to the Director for Public Affairs.

Positions she held before March 1983 include energy coordinator for the office of state-federal relations for the state of Texas, public administration analyst for the Washington office of a university, and legislative correspondent for a U. S. Senator.

The appointee has a Bachelor of Fine Arts degree in Broadcast-Film Arts and a Masters degree in Public Administration.

(3) Assistant Director, Support Services, ES-05

The incumbent was appointed Assistant Director, Support Services, effective April 13, 1986. This position was established as part of the Bureau's reorganization.

According to the position description, the incumbent of this position, under the direction of the Director and Deputy Director, is responsible for formulating, developing, and refining major Bureau policies and procedures concerning planning and environmental coordination, administrative services, information resources management, resource protection, engineering, and fire and aviation management.

Before his appointment to this position, the Assistant Director had served in an SES noncareer appointment as Associate Director of the Bureau since December 1981. (In the previous Bureau organization, the Associate Director position was the number two position in the Bureau.)

The appointee earlier held various career positions in the Department of the Interior including GS-15 Project Manager for the President's Reorganization Project (1977 to 1978); GS-15 Chief, Division of Management Research, Bureau of Land Management, from 1974 to 1977; GS-14 Management Analyst from 1971 to 1974; and

various other positions within the Bureau's Washington Office and Denver Service Center between 1961 and 1974. In October 1978, he resigned from federal employment to serve his church.

Upon his return to the Bureau in August 1981, he received a career appointment as a GM-15 Special Assistant to the Deputy Director for Management Services, a position he held until his noncareer appointment as Associate Director.

The appointee has a Bachelor of Science degree in Political Science.

(4) Assistant Director, Energy and Mineral Resources, ES-04

The incumbent Assistant Director, Energy and Mineral Resources, was appointed effective April 13, 1986. Before the reorganization, this individual was Deputy Director for Energy and Mineral Resources, which was also an SES noncareer position.

According to the position description, the incumbent is responsible for the direction and management of the federal lands energy and minerals programs including establishment of policy direction for energy and minerals resource programs, and resolution of major policy, program, and personnel issues for energy and minerals resources. The incumbent is also responsible for reviewing and approving proposals submitted by program managers to support and justify program requests and recommendations.

From May 1978 to August 1983, the individual served as senior vice-president of a pipeline company. Earlier he had served in a noncareer appointment as technical assistant to the Undersecretary of Interior from June 1973 to January 1977, where he was responsible for direction, coordination, and oversight of the Trans-Alaska Pipeline.

This appointee has a Bachelor of Science degree in Mechanical Engineering.

SCHEDULE C APPOINTEES IN BLM
SEPTEMBER 30, 1986

(1) Special Assistant to the Director, GM-15

This employee was appointed Special Assistant to the Director, effective July 28, 1981.

According to the position description, the incumbent is to serve as personal assistant, confidential advisor, and staff analyst for the political aspects of policy formulation and conduct analyses of potential reaction of private interest groups, business interests, Congress, etc. to proposed policy and program changes of a politically sensitive or controversial nature. Also, as Special Assistant, the incumbent is to determine the political feasibility of various management alternatives to problems and advise the Director on the proper course of action based on his analysis.

The appointee came to the Bureau under a temporary appointment effective July 6, 1981. Previously he was a self-employed public lands consultant in Idaho.

From September 1979 until December 1980, he worked as a rangeland resources coordinator for the Idaho department of agriculture. From February 1969 until August 1979 he held various positions with the Idaho department of lands.

The appointee has a Bachelor of Science degree in Animal Husbandry.

(2) Special Assistant to the Director, GM-15

This individual was appointed Special Assistant to the Director effective September 14, 1981.

According to the position description, the incumbent is responsible for providing political analysis and advice as to public reaction to proposed policies and programs; speaking for the Director at various meetings in the public and private sectors; and personally undertaking projects for the Director which involve politically sensitive or controversial issues and require close coordination with various Bureaus and Departmental organizations. The position description says the position is located in the Bureau's Washington, D.C., headquarters, but this employee's duty station was changed to Reno, Nevada, in July 1985. According to the Bureau, the change was made in order for the employee to assist the Director with sensitive, politically

controversial issues facing the Bureau in Nevada. He was also to assist the Bureau's Nevada director in building a new management team.

Positions held by the appointee before his Bureau employment included vice-president of a commercial real estate firm, president of a construction and development firm, executive director of a trade association, and college professor. From November 1979 to September 1980, the incumbent was a full-time candidate for the U.S. Congress in Oregon.

The appointee has a Ph.D. His major field of study was rhetoric and communications.

(3) Assistant to the Director and Deputy Director, Office of External Affairs, GM-15

This individual was appointed Assistant to the Director and Deputy Director, Office of External Affairs, effective April 13, 1986.

According to the position description, the Assistant to the Director is a personal assistant to the Director, responsible for relating knowledge of resource management concepts and policies to Departmental officials, the public, and news media. As Deputy Director, Office of External Affairs, the incumbent is to share in the supervision of the Division of Public Affairs, the Division of Congressional Affairs, and the Division of Legislative and Regulatory Management.

Before being appointed to the above position, he had a temporary appointment in the Bureau as a Supervisory Public Affairs Specialist, GM-14.

Before his employment by the Bureau, he was a Schedule C Confidential Assistant to the Secretary at the Department of Agriculture, from July 1985 to March 1986.

From February 1981 until July 1985, he was a legislative aide to a United States Senator. From May 1974 until February 1981, he worked as information director and editor of a magazine published by the New Mexico farm and livestock bureau.

The appointee has a Bachelor of Arts degree in Journalism.

(4) Special Assistant to the Director, GM-15

This individual was appointed Special Assistant to the Director, effective May 12, 1986.

According to the position description, the incumbent is to serve as personal assistant and confidential advisor to the Director in the formulation of Bureau policies, practices, and organizational direction in highly sensitive, critical program areas.

This appointee also served as a Schedule C GM-15 Congressional Affairs Officer at the Bureau from March 1984 until the above appointment. He was a Schedule C GM-15 Special Assistant to the Secretary of the Interior from August 1983 until March 1984. From May 1982 to August 1983, he was a Schedule C GS-15 Special Assistant and Deputy Director for International Sports, Department of State. For part of this period (March to August 1983), he was detailed to the White House as Associate Director of the Office of Public Liaison in charge of Special Projects, Minority Affairs and Sports Organizations.

Other positions he has held include director of intergovernmental affairs for a county government and administrative assistant to a member of Congress.

This appointee has a Bachelor of Science degree in Political Science and a Master of Arts degree in History.

(5) Supervisory Public Affairs Specialist, GM-15

This individual was appointed Supervisory Public Affairs Specialist, effective April 13, 1986.

According to the position description, the incumbent is Chief of the Office of Public Affairs, with responsibility for public affairs policy formulation on a Bureau-wide basis, program and budget development for public affairs, and execution and evaluation of the overall public affairs program in the Bureau. The position description also indicates that the incumbent is to advise the Director and other officials regarding news media contacts and on matters that have political implications or direct reflections on the Administration's program and policy issues as they relate to the Bureau.

Before receiving this appointment, he had a temporary appointment as a GM-14 Supervisory Public Affairs Specialist in the Bureau.

From November 1985 to March 1986, he was a consultant at the Urban Mass Transportation Administration. From September until November 1985, he was Special Assistant to the Director of Intergovernmental Affairs, in the Office of the Secretary, Department of Transportation. From June 1983 until September 1985, he was a Special Assistant in the Office of Intergovernmental Affairs, The White House.

He earlier served as Special Assistant to the Senate Sergeant at Arms and was also on the staff of a former Senate Majority Leader.

The appointee has a Bachelor of Arts degree in Political Science.

(6) Congressional Affairs Officer, GM-15

This individual was appointed Congressional Affairs Officer, effective April 13, 1986.

According to the position description, the incumbent is to communicate with members of Congress and congressional committees on matters affecting the total scope of Bureau activities. The position description also says that the incumbent is to identify Bureau needs for congressional action and keep members of Congress informed of possible actions which will be of critical interest to their constituents.

Before coming to the Bureau, he was president and chief executive officer of an alliance of hospitals, vice-president for economic development for the Indiana Chamber of Commerce, and public affairs director for a manufacturers' association.

He has a Bachelor of Science Degree in Political Science.

(7) Deputy Congressional Affairs Officer, GM-14

This individual was appointed Deputy Congressional Affairs Officer effective January 15, 1986.

According to the position description, the Deputy Congressional Affairs Officer serves as a confidential advisor to the Bureau Director and the Congressional Affairs Officer. The position description states that the incumbent is responsible for communicating with individual members of Congress and congressional committees on matters affecting the total scope of Bureau activities.

She received six consecutive temporary appointments from March 17, 1985, until January 14, 1986, as a GM-14 Deputy Congressional Affairs Officer before receiving the Schedule C appointment.

She was a Schedule C GM-15, Chief of Congressional Liaison in the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior from July 1981 until coming to the Bureau.

Other positions she held include those of Washington representative for a mining company from August 1976 to October 1980, and staff member of the Senate Energy and Natural Resources Committee from February 1976 to August 1976.

The appointee has a Bachelor of Science degree in Business Statistics and Marketing and a Master of Business Administration degree.

(8) Special Assistant in the Office of the Director, GM-13

This individual was appointed Special Assistant in the Office of the Director, effective May 26, 1985. Her duty station is Sacramento, California.

According to the position description, the incumbent is to serve as Special Assistant and advisor to the Bureau Director and Associate Director (a title which no longer exists in the Bureau) in the formulation of Bureau policies, practices, and programs impacting the western states. The incumbent is to provide liaison with top Departmental program and staff officials to assure that matters and projects assigned for development at subordinate levels receive the depth of review and coordination essential to meet the Bureau's objectives and are ready for action or management endorsement.

From June 1983 until being appointed to this position, she was stationed in San Francisco, California, as a Special Assistant (GM-13 Schedule C) to the Secretary's Field Coordinator, Office of the Secretary of the Interior.

Positions she previously held include working under contract as a Global Issue Coordinator for the Council on Environmental Quality, Special Assistant to the Chairman of the Council on Environmental Quality, an owner/partner in an environmental regulation consulting firm, and an executive recruiter.

The appointee completed 3 years of college as a business major.

(9) Staff Assistant (Policy and Program Coordinator), Office of the Deputy Director, GM-13

This individual was appointed Staff Assistant (Policy and Program Coordinator) effective March 18, 1984.

According to the position description, the incumbent is to plan, coordinate, and carry out a variety of ongoing and special projects, often of a highly confidential nature, requiring contact with high ranking officials in all branches of the federal

government. The position description also indicates that the incumbent is responsible for coordinating and facilitating the flow of critical paperwork and reviewing, summarizing, and analyzing sensitive controversial material of concern.

This appointee held positions in other parts of the Department of the Interior before her appointment in the Bureau of Land Management. After receiving several temporary appointments in the Bureau of Mines and in the Office of the Assistant Secretary, Energy and Minerals, she was appointed to a Schedule C GM-15 position as Chief, Office of Congressional Liaison, Bureau of Mines, in August 1983. In January 1984, she was detailed to the Office of the Director, Bureau of Mines, and in February 1984 was detailed to the Office of the Associate Director, Bureau of Land Management.

Before her employment by the Department of the Interior, she held various positions from June 1979 to November 1982 with a mining company and was a legal secretary with various firms in the Denver area from 1975 to 1979.

The appointee received a Bachelor of Science degree in Business Administration in 1983.

(10) Staff Assistant, Office of External Affairs, GS-7

This individual was appointed Staff Assistant, Office of External Affairs, effective April 13, 1986.

According to the position description, the incumbent's duties include performing special studies, surveys, or analyses of problems, projects, or situations identified by the Director, External Affairs; developing, with other staff members, procedures which accomplish the Director of External Affairs' priorities; and expediting of the work of the Director, External Affairs, by providing liaison with division and staff officials.

Before receiving this appointment, she received a temporary appointment as a Staff Assistant in the Office of the Director. From November 1985 until January 1986, she was a salesperson for a department store. From October 1984 until December 1984, she was an independent contractor for a public relations firm.

The appointee has a Bachelor of Arts Degree in Political Science.

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